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7
8 UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 SAMUEL L. GENSAW III, et al.,

CASE NO.: C-07-3009-TEH

11 Plaintiffs,

**AMENDED
NOTICE OF MOTION TO DISMISS**

12 vs.

13 DEL NORTE COUNTY UNIFIED
SCHOOL DISTRICT, et al.,

DATE: Monday, January 7, 2008

TIME: 10:00 a.m.

CTRM: 12, 19th Floor

14 Defendants.

Honorable Thelton E. Henderson

NOTICE

PLEASE TAKE NOTICE that on **Monday, January 7, 2008**, at **10:00 a.m.**, in the above-entitled Court located at 450 Golden Gate Avenue, San Francisco, California, defendants will move the Court for an order dismissing plaintiffs' complaint. The motion is brought pursuant to Federal Rules of Civil Procedure, and Rule 12(b)(6) on the ground that the complaint fails to state a valid cause of action, as set forth in the previously filed motion.

DATED: November 30, 2007

MITCHELL, BRISSO, DELANEY & VRIEZE

By:


John M. Vrieze

William F. Mitchell

Attorneys for Defendants

PROOF OF SERVICE

I am a citizen of the United States and a resident of the County of Humboldt, over the age of eighteen years and not a party to or interested in the within entitled cause, my business address is 814 Seventh Street, Eureka, California.

On this date, I served the following documents:

AMENDED NOTICE OF MOTION TO DISMISS

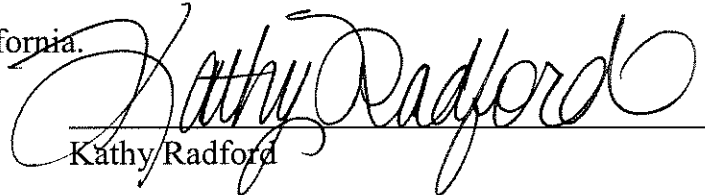
X

By placing a true copy thereof enclosed in a sealed envelope with first class postage thereon fully prepaid for collection and mailing on this date and at the place shown, to the party(ies) and at the address(es) set forth below. I am readily familiar with the practice of this business for collecting and processing documents for mailing. On the same day that documents are placed for collection and mailing, they are deposited in the ordinary course of business with the United States Postal Service at Eureka, California.

By personally delivering a true copy thereof to the party(ies) and at the address(es) as set forth below.

By personally faxing a true copy thereof to the party(ies) and at the facsimile number(s) as set forth below.

I declare under penalty of perjury that the foregoing is true and correct. Executed November 30, 2007, at Eureka, California.


Kathy Radford

Donald W. Brown
COVINGTON & BURLING
Attorneys at Law
One Front Street
San Francisco, CA 94111